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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,344	02/14/2002	Egon Schulz	449122010700	7966

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1650 TYSONS BOULEVARD
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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/10/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Office Action Summary

Application No.

09/937,344

Applicant(s)

SCHULZ, EGON

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Kolev.

Regarding claim 1 Uchida teaches a method for assigning channels for radio transmission between a subscriber station and a base station of a radio communication system (see abstract and col. 22, lines 30-40). Uchida teaches assigning a number of channel resources to the subscriber station, the channel resources having at least one of different spread-spectrum codes, different code groups, different frequencies and different midambles, and including information about utilization of the channel resources during the radio transmission, which specifies the order of the transmission data (see col. 11, lines 23-41). Uchida does not specifically teach a common channel description transmitted to a subscriber station. Kolev teaches a common channel description transmitted to a subscriber station (see pg. 12, 2nd & 3rd paragraphs). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a common channel description transmitted to a subscriber station because this would allow for more flexible adaptation to variations in communication capacity.

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Regarding claim 3 Kolev teaches the order of the utilization of the channel resources is specified by the order of the information on each of the channel resources within the channel description (see pg. 12, 2nd & 3rd paragraphs).

Regarding claim 3 Uchida teaches the order of the utilization of the channel resources is specified by information relating to at least one of timeslots assigned, to spread-spectrum codes and to assigned frequencies (see col. 16, lines 17-38).

Regarding claim 5 Uchida and Kolev a device as recited in claim 1 except for sending an uplink channel and a downlink channel as separate messages from the base station to the subscriber station. Uchida does teach an uplink channel and a downlink channel from the base station to the subscriber station (see col. 11, lines 23-41). Kolev does teach sending separate messages (see pg. 12, 2nd paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include sending an uplink channel and a downlink channel as separate messages from the base station to the subscriber station because this would allow for improved signaling protocols in a mobile communication signal.

Regarding claim 6 Uchida and Kolev a device as recited in claim 1 except for sending an uplink channel and a downlink channel in a common channel description as a message, a flag indicating parts of the description, which relate to the uplink channel and to the downlink channel. Uchida does teach a communication channel with information related to an uplink channel and information related to a downlink channel (see col. 11, lines 23-41). Kolev does teach a common channel description as a message and a flag indicating parts of the description (see pg. 12, 2nd & 3rd paragraphs). It would have been obvious to one of ordinary skill in the art

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at the time the invention was made to make the device adapt to include sending an uplink channel and a downlink channel in a common channel description as a message, a flag indicating parts of the description, which relate to the uplink channel and to the downlink channel because this would allow for improved signaling protocols in a mobile communication signal.

Regarding claim 7 Uchida and Kolev teach a device as recited in claim 1 except for a case where one channel is changed, the description of this channel is sent. Uchida does teach a case where one channel is changed and the information on the channel is sent (see col. 14, lines 12-18 & 24-25). Kolev teaches a description of a channel that is sent out (see pg. 12, 2nd & 3rd paragraphs). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a case where one channel is changed, the description of this channel is sent because this would allow for improved signaling protocols in a mobile communication signal.

Regarding claim 8 Uchida teaches a base station for a radio communications system (see abstract and col. 9, lines 19-22). Uchida teaches a facility to assign channels for a radio transmission with a subscriber station, wherein, the facility assigns a number of channel resources for the radio transmission, the channel resources having at least one of different spread-spectrum codes, different code groups, different frequencies and different midambles and the facility generates information about utilization of the channel resources during the radio transmission, which specifies the order of the transmission data (see col. 11, lines 23-41). Uchida does not specifically teach a facility that transmits a common channel description to the subscriber station. Kolev teaches a facility that transmits a common channel description to the subscriber station (see pg. 12, 2nd & 3rd paragraphs). It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to make the device adapt to include a facility that transmits a common channel description to the subscriber station because this would allow for more flexible adaptation to variations in communication capacity.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Kolev and Toskala.

Regarding claim 4 Uchida teaches a device as recited in claim 1 except for sending a coherent channel description as a message from the base station to the subscriber station, wherein an uplink channel and a downlink channel are described one after the other. Uchida does teach a communication channel from the base station to the subscriber station, wherein an uplink channel and a downlink channel are described one after the other (see col. 11, lines 23-41). Kolev teaches a sending a channel description as a message (see pg. 12, 2nd paragraph). Toskala teaches a coherent channel (see col. 2, lines 3-4 & 35-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include sending a coherent channel description as a message from the base station to the subscriber station, wherein an uplink channel and a downlink channel are described one after the other because this would allow for dynamic channel allocation for connections between a base station and mobile stations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eriksson et al. U.S Patent No. 5,448,750 discloses a segregation method of dynamic channel allocation in a mobile radio system.

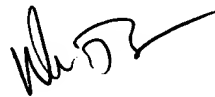
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 5, 2004



WILLIAM TROST
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